

1 Timothy P. Harris, Pro Se'
 2 4005 Cherokee Rose Ave.
 3 North Las Vegas, NV. 89031
 4 702-371-3658
 5 extremeps1@cox.net
 6

7 **IN THE UNITED STATES DISTRICT COURT**
 8 **FOR THE DISTRICT OF NEVADA**

Timothy P. Harris, Pro Se'
 Plaintiff

Case No: 2:10-cv-01662-GMN-LRL

V.

Civil Rights Violation Complaint
Trial By Jury Demanded

AMERICAN GENERAL FINANCIAL
 SERVICES OF AMERICA, INC.
 Defendant

9 **PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE**
 10

11 Plaintiff, Timothy Harris, respectfully requests that this Court take judicial notice of
 12 Plaintiff's right to private action pursuant to 15 U.S.C. § 1681. The Plaintiff has entered into
 13 evidence the certified mailings sent to the Defendant and the Credit Reporting Agencies which
 14 are self authenticating according to the rules of evidence 901 and 902. Also pursuant to these
 15 same rules the evidence entered into this case in affidavit format with acknowledgment from a
 16 notary creates a rebuttable presumption. The following case law shows why the Plaintiff is
 17 entitled to Plaintiff's right of private action.
 18

19 As was stated in Plaintiff Opposition To Motion To Dismiss, **Doc. # 10**, Dornhecker ro.
 20 Ameritech Corp., 99 F. Supp. 2d 918 (N.D. Ill. 2000) a U.S. district court held that the Fair
 21 Credit Reporting Act (FCRA), 15 U.S.C. 1681 et seq., permits consumers to bring private causes
 22 of action against furnishers of information to credit reporting agencies who fail to properly
 23 investigate disputed credit information. In this case above, a telephone services provider opened
 24 phone service accounts on behalf of third persons who fraudulently used the names of other
 25 individuals. After the individuals, collection agencies, and credit reporting agencies notified the
 26 provider of the dispute, the provider reportedly failed to investigate. The individuals sued the
 27 provider, alleging, among other claims, that Defendant violated 1681s-2(b)(1) of the FCRA by

28 failing to properly investigate the disputed credit information. The Defendant moved to dismiss,
29 arguing that plaintiffs lacked standing because the FCRA does not create a private right of action
30 for consumers.

31 In this case the District Court denied the motion to dismiss. The court agreed with the
32 U.S. Supreme Court's analysis-set forth in Cort v. Ash, 95 S. Ct. 2080 (1975) for determining
33 whether an implied private right of action exists under a statute. The four factors are: whether (1)
34 the plaintiff is a member of a class for whose benefit the statute was enacted; (2) the legislative
35 history indicates congressional intent, explicit or implicit, either to create or deny such a remedy;
36 (3) implying a private remedy would frustrate the underlying purposes of the legislative scheme;
37 and (4) the cause of action is one traditionally relegated to state law.

38
39 As is a matter of evidence before this court, the Plaintiff has shown that the Defendant
40 was notified of the dispute and the credit reporting agencies were notified in the same time
41 period and attached proof of the certified mailings which are self authenticating according to the
42 Federal Rules of Evidence 901 and 902. These mailings were exhibits on Plaintiff's Response
43 To Motion To Stay Discovery, Doc. #14 exhibit A and are attached at the end of this notice as
44 exhibit A. These mailings were also backed up as evidence by Plaintiff's Affidavit In Support
45 Of Facts in Plaintiff's response to Defendant's Motion To Stay Discovery, court Doc. #14 and
46 are attached here as exhibit B. This affidavit creates a rebuttable presumption and to this date
47 these truths have not been rebutted by the Defendant on a point by point basis as required, nor
48 can they be, and therefore stand as the only evidence that has been entered into this case that has
49 any relevance to Plaintiff's complaint.

50
51 Plaintiff has also shown this court copies of the Plaintiff's credit reports showing that the
52 Defendant has not marked the Plaintiff's account in dispute as required by the FCRA, 15 U.S.C.
53 § 1681. These facts are evidenced in Plaintiff's Response To Motion To Stay Discovery, Court
54 Doc. #14, and exhibits B,C,D, and E and are attached here as exhibits C, D, E, and F. Further
55 evidence backing up these credit reports is found in Plaintiff's Affidavit In Support Of Facts,
56 exhibit B. This affidavit creates a rebuttable presumption and to this date these truths have not
57 been rebutted by the Defendant on a point by point basis as required, nor can they be, and

therefore stand as the only evidence that has been filed into this case that has any relevance to Plaintiff's complaint.

The Plaintiff would also like to notice the court that the **debt collection** of alleged monies owed, or due to alleged judgments are matters that are not before this court in regards to the Plaintiff's complaint. Plaintiff is unaware of any alleged money owed by a consumer that would strip him of his rights that would release debt collectors and furnishers of information to the credit reporting agencies of their obligations to abide by the FCRA.

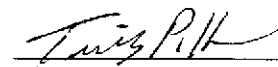
The *only* issue before this court is the Defendant knowingly, willfully, and intelligently violating the FCRA. This has been further evidenced by the Plaintiff's exhibit E found in court Doc # 15 in Plaintiff's Motion For Summary Judgment, and attached here as exhibit F, showing how the Defendant has now entered the Plaintiff's credit report once again without permissible purpose and changed Plaintiff's credit reports to show that they have now, *after litigation has commenced*, been marked in dispute, see exhibit G. All the case law in support Plaintiff's Motion For Summary Judgment has been put forth in court Doc. #15 and is attached to this notice as exhibit H for your review.

In conclusion, the Defendant continues to violate the Plaintiff's civil rights based on the FCRA, even after litigation has commenced, which is a felony, and is fineable under Title 18 U.S.C. and punishable by imprisonment for up to two years. The Defendant has not put into evidence anything showing their position nor have they done anything to show a rebuttable position to that of the Plaintiff. The only thing the Defendant has done is to try mis-lead and mis-direct the court from the actual facts of the case.

This court has seemed to prejudice the Plaintiff in the fact that in the Order To Stay Discovery the Magistrate Judge says... "On August 19, 2010, defendant filed a Complaint against plaintiff in Clark County Justice Court because plaintiff was in default on a loan he obtained from defendant. On September 29, 2010, the Justice Court rendered judgment in favor of defendant." Why is this wording even in the order of the court? There is nothing in the Plaintiff's complaint in regards to this matter nor do any alleged loans or alleged judgments have any bearing on this case. All this wording, which has been used in all of the Defendant's pleadings are immaterial and irrelevant to the Plaintiff's complaint and should be stricken from

any documents that contain such wordings. If the Defendant's continue to use this as an arguing point in the future then the Plaintiff will use this as evidence to file a BAR grievance against opposing counsel. The Plaintiff respectfully moves this court to FRCP rule 26(f) so that a plan can be made and then even more evidence will be brought forth as to the Defendant's violations of the Plaintiff's civil rights.

Respectfully submitted this 7th day of December, 2010.


 Timothy Harris
 4005 Cherokee Rose Ave.
 North Las Vegas, NV 89031
 702-371-3658
extremeps1@cox.net

CERTIFICATE OF SERVICE

I, the Plaintiff, Timothy Harris, does hereby certify that a copy of this Request For Judicial Notice was sent to the Defendant American General Financial Services Of America, Inc. through their attorney of record David W. Dachelet, Esq., Nevada Bar No. 6615, 300 South Fourth Street, Suite 1400, Las Vegas, Nevada 89101 for the purpose of satisfying the requirement for Notice and Service and was sent via the United States Postal Service pursuant to Federal Rules of Civil Procedure 4 (c) (2) (c) (i). This will also be available to any and all PACER ECF participants and will serve as Notice and Service.

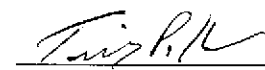

 Timothy P. Harris
 4005 Cherokee Rose Ave.
 North Las Vegas, NV. 89031
 702-371-3658
extremeps1@cox.net

EXHIBIT A

EXHIBIT A

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

LOS ANGELES CA 90054

Postage	\$ 00.44	0094
Certified Fee	\$2.80	11
Return Receipt Fee (Endorsement Required)	\$2.30	0102
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 05.54	06/17/2010

Sent To: *American General Finance*
 Street, Apt. No., or PO Box No.: *P.O. Box 54290*
 City, State, ZIP+4: *Los Angeles, CA 90054-0290*
 PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

American General Finance
P.O. Box 54290
Los Angeles, CA 90054-0290

2. Article Number

(Transfer from service label)

7009 3410 0001 0346 7841

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

Cesar S.

C. Date of Delivery

JUN 20 2010

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

ALLEN TX 75013

Postage	\$ 00.44	0094
Certified Fee	\$2.80	09
Return Receipt Fee (Endorsement Required)	\$2.30	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 05.54	06/21/2010

Sent To: *Experian - AG*
 Street, Apt. No., or PO Box No.: *P.O. Box 2002*
 City, State, ZIP+4: *Allen, TX 75013*
 PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Experian
P.O. Box 2002
Allen, TX 75013

2. Article Number

(Transfer from service label)

7009 3410 0001 0346 8053

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

JOHN S. PARKWAY

C. Date of Delivery

JUN 21 2010

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service
CERTIFIED MAILTM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.gov

ATLANTA, GA 30374

Postage	\$	\$0.44	0094
Certified Fee		\$2.80	09
Return Receipt Fee (Endorsement Required)		\$2.30	
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$5.54	06/21/2010

Sent To

 EquiFax - AG
 Street, Apt. No.,
 or PO Box No. P.O. Box 740241
 City, State, ZIP+4 Atlanta, GA 30374

PS Form 3800, August 2006

See Reverse

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

 EquiFax
 P.O. Box 740241
 Atlanta, GA 30374

2. Article Number

(Transfer from service label)

7009 3410 0001 0346 8091

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

JUN 24 2010

C. Date of Delivery

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes
U.S. Postal Service
CERTIFIED MAILTM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.gov

CHESTER, PA 19022

Postage	\$	\$0.44	0094
Certified Fee		\$2.80	09
Return Receipt Fee (Endorsement Required)		\$2.30	
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$5.54	06/21/2010

Sent To

 Trans Union - AG
 Street, Apt. No.,
 or PO Box No. P.O. Box 1000
 City, State, ZIP+4 Chester, PA 19022

PS Form 3800, August 2006

See Reverse

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

 Trans Union
 P.O. Box 1000
 Chester, PA 19022

2. Article Number

(Transfer from service label)

7009 3410 0001 0346 8060

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

TransUnion LLC

C. Date of Delivery

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

JUN 24 2010

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

EXHIBIT B

EXHIBIT B

1 Timothy P. Harris, Pro Se'
2 4005 Cherokee Rose Ave.
3 North Las Vegas, NV. 89031
4 702-371-3658
5 extremeps1@cox.net
6

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF NEVADA**

Timothy P. Harris, Pro Se'
Plaintiff

)
)
) Case No: 2:10-cv-01662-GMN-LRL

V.

) **Civil Rights Violation Complaint**
) **Trial By Jury Demanded**

AMERICAN GENERAL FINANCIAL
SERVICES, LLC
Defendant

9 **AFFIDAVIT OF FACTS IN SUPPORT OF RESPONSE TO DEFENDANT'S**
10 **MOTION TO STAY**
11

12 The following is the true and correct statement of Plaintiff, Timothy Harris,
13 on and for the record. This statement is made to the best of his knowledge. The
14 specifics of this case are as follows:

- 15
- 16 1. On or about June 1st, 2010, Plaintiff, a Consumer according to the
17 definitions of the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. noticed
18 that the Defendant, a Creditor/Information Provider according to the
19 definitions of the Fair Credit Reporting Act 15 U.S.C. § 1681 et seq. was
20 existing in the Plaintiff's credit report files with inaccurate information.
 - 21 2. The Plaintiff contacted the Defendant by United States Postal Service
22 Certified Mail Return Receipt # 7009 3410 0001 0346 7841 on or about June
23 17, 2010 disputing the information in the Plaintiff's credit report. The
24 Defendant received this letter on June 20th, 2010. No reply was received
25 from the Defendant. **See Exhibit A**

- 26 3. The Plaintiff contacted Trans Union and disputed the erroneous and
27 inaccurate information via US Cert. Mail # 7009 3410 0001 0346 8060 on
28 June 21, 2010. Trans Union received this letter on June 24th, 2010. See
29 **Exhibit A**
- 30 4. The Plaintiff contacted Experian and disputed the erroneous and inaccurate
31 information via US Cert. Mail # 7009 3410 0001 0346 8053 on June 21,
32 2010. Experian received this letter on June 23rd, 2010. See **Exhibit A**
- 33 5. The Plaintiff contacted Equifax and disputed the erroneous and inaccurate
34 information via Cert. Mail # 7009 3410 0001 0346 8091 on June 21, 2010.
35 Equifax received this letter on June 24th, 2010. See **Exhibit A**
- 36 6. All three Credit Reporting Bureaus have indicated they are reporting the
37 information correctly as reported by the Defendant, yet the Plaintiff's
38 alleged account HAS NOT been marked in dispute. See **Exhibits B,C,D,E**
- 39 7. This refusal to mark the Plaintiff's alleged account in dispute is a violation
40 of the Fair Credit Reporting Act, section 623. **Responsibilities of furnishers**
41 **of information to consumer reporting agencies** [15U.S.C. §1681s-2a(i)]
- 42 8. The Defendant now continues to exist in the Plaintiff's credit report without
43 marking his alleged account in dispute which is a violation of the Fair Credit
44 Reporting Act, section 623. **Responsibilities of furnishers of information**
45 **to consumer reporting agencies** [15U.S.C. §1681s-2(3)]:
- 46 9. The Defendant has called the Plaintiff twenty three times in the period of
47 one month on his cellular phone which has a finite number of allowable
48 minutes. The Defendant has not proven any permissible purpose for these
49 calls and therefore has monetarily damaged the Plaintiff by costing him
50 money in the terms of "minutes used" on his cellular plan which has a finite
51 number of minutes allowed for use each month. This is a violation of the

52 Telephone Consumer Protection Act section 227. **Restrictions on the use**
53 **of telephone equipment** [47 U.S.C. § 227]

54 10. On or about September 15, 2010, the Plaintiff, trying to resolve this
55 dispute administratively sent a Notice of Pending Lawsuit to the Defendant
56 in an attempt to reach a resolution. The letter was received on September
57 20th, 2010. No reply was received from the Defendant.

58 11. On or about September 27th, 2010 the Plaintiff filed his complaint in the
59 United States District Court for the District of Nevada. It was given case
60 number 2:10-cv-01662-GMN-LRL. **See Court Document # 1 in regards**
61 **to this case.**


62 12. The Defendant was served the summons for this case on September 29th,
63 2010 and the summons was filed into the official record on October 6th,
64 2010.

65 13. The Plaintiff does not want this case to be adjudicated by a Magistrate
66 Judge as is evidenced by the Plaintiff **not** filing form AO-85 into the record.
67 The Plaintiff only wants this case to be heard by the District Court Judge
68 assigned to it and will wait if it is needed for the court to be able to make
69 this happen.

70 14. These are the only matters before this court. Anything else brought forth in
71 this case is irrelevant, immaterial, impertinent and scandalous.

72 15. At NO TIME has this case EVER been about any alleged monies, alleged
73 monies owed, alleged contracts or judgments. This case is about what the
74 Defendant failed to do when an alleged account was disputed with them.

Respectfully submitted this 17th day of November, 2010

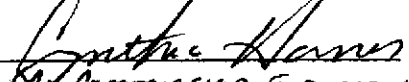

Timothy P. Harris
4005 Cherokee Rose Ave.
North Las Vegas, NV 89031
702-371-3658
extremeps1@cox.net

State of NEVADA

County of CLARK

Subscribed and sworn to (or affirmed) before me, Cynthia Horner, Notary Public,
on this 17 day of November, 2010 by Timothy Harris.
Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

WITNESS my hand and official seal.


My Commission Expires 11-13-13
Notary Public



CERTIFICATE OF SERVICE

I, the Plaintiff, Timothy Harris, does hereby certify that a copy of this Affidavit was sent to the Defendant American General Financial Services Of America, Inc. through their attorney of record David W. Dachelet, Esq., Nevada Bar No. 6615, 300 South Fourth Street, Suite 1400, Las Vegas, Nevada 89101 for the purpose of satisfying the requirement for Notice and Service and was sent via the United States Postal Service pursuant to Federal Rules of Civil Procedure 4 (c) (2) (c) (i). This will also be available to any and all PACER ECF participants and will serve as Notice and Service.

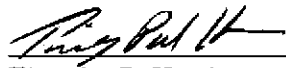

Timothy P. Harris
4005 Cherokee Rose Ave.
North Las Vegas, NV. 89031
702-371-3658
extremeps1@cox.net

EXHIBIT C

EXHIBIT C



Prepared for
TIMOTHY PAUL HARRIS
Report number
1070-6058-87

Report date
June 30, 2010
www.experian.com/disputes
PO BOX 9701, Allen, TX 75013

← Date Pulled

Page 4 of 18

Accounts in good standing

These items may stay on your credit report for as long as they are open. Once an account is closed or paid off it may continue to appear on your report for up to ten years.

Credit items

AMERICAN EDUCATION SVCS/NCT

1200 N 7TH ST
HARRISBURG PA 17102
(800) 233-0577

Partial account number

1747379151PA0...

See History of account balances for additional information.

Date opened: Jun 2007
Reported since: Aug 2007
Date of status: May 2010
Last reported: May 2010
Type: Installment
Terms: 24 Months
Monthly payment: \$223
Responsibility: Signed with EDCOR
Credit limit or original amount: \$4,494
High balance: NA
Recent balance: \$4,494 as of May 2010
Status: Open/Never late.
Address identification number: 599674340

AMERICAN GENERAL FINANCE

1928 N DECATUR BLVD
LAS VEGAS NV 89108

No phone number available

Partial account number

210118201187...

See History of account balances for additional information.

Date opened: Feb 2010
Reported since: Feb 2010
Date of status: Jun 2010
Last reported: Jun 2010
Type: Installment
Terms: 24 Months
Monthly payment: \$236
Responsibility: Individual
Credit limit or original amount: \$4,494
High balance: NA
Recent balance: \$4,178 as of Jun 2010
Recent Payment: \$236
Status: Open/Never late.
Address identification number: 599674340

BAC HOME

LOANS/COUNTRYWIDE

450 AMERICAN ST # SV416
SIMI VALLEY CA 93065
(800) 669-6607

Partial account number

2267...

See History of account balances for additional information.

Date opened: Aug 2009
Reported since: Aug 2009
Date of status: Jun 2010
Last reported: Jun 2010
Type: Mortgage
Terms: 30 Years
Monthly payment: \$236
Responsibility: Individual
Credit limit or original amount: \$4,494
High balance: NA
Recent balance: \$4,178 as of Jun 2010
Recent Payment: \$236
Status: Open/Never late.
Comment: "Account information disputed by consumer (Meets requirement of the Fair Credit Reporting Act)."
Address identification number: 599674340

0042251074 L-677-10453-0209000



EXHIBIT D

EXHIBIT D

Account Name	Account Number	Date Opened	Balance	Date Reported	Past Due	Account Status	Credit Limit
Date Closed:	05/2009	Type of Loan:		VA Real Estate Mortgage (Veteran's Administration)			
Date of First Delinquency:	N/A						
Comments:							

81-Month Payment History

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2009				*	*	*	*					

[Back to Top](#)**Installment Accounts**

Installment accounts are credit accounts in which the amount of the payment and the number of payments are predetermined or fixed, such as a car loan.

Open Accounts

Account Name	Account Number	Date Opened	Balance	Date Reported	Past Due	Account Status	Credit Limit
AMERICAN GENERAL FIN	210118201187XXXX	02/2010	\$4,178	06/2010	\$0	PAYS AS AGREED	

AMERICAN GENERAL FINANCE

4825 S Rainbow Blvd Ste 208
Las Vegas, NV-891034748

Account Number:	210118201187XXXX	Current Status:	PAYS AS AGREED
Account Owner:	Individual Account	High Credit:	\$4,494
Type of Account	Installment	Credit Limit:	
Term Duration:	24 Months	Terms Frequency:	
Date Opened:	02/2010	Balance:	\$4,178
Date Reported:	06/2010	Amount Past Due:	\$0
Date of Last Payment:	05/2010	Actual Payment Amount:	\$236
Scheduled Payment Amount:	\$236	Date of Last Activity:	05/2010
Date Major Delinquency First Reported:		Months Reviewed:	3
Creditor Classification:		Activity Description:	N/A
Charge Off Amount:		Deferred Payment Start Date:	
Balloon Payment Amount:		Balloon Payment Date:	
Date Closed:		Type of Loan:	Secured By Household Goods/Collateral
Date of First Delinquency:	N/A		
Comments:			



Date Pulled
↓

EXHIBIT E

EXHIBIT E

Satisfactory Accounts

The following accounts are reported with no adverse information. (Note: The account # may be scrambled by the creditor for your protection).

AES/NCT # ~~17-09286~~

POB 2461
HARRISBURG, PA 17105
(800) 233-0557

Balance: ~~12,000.00~~
Date Updated: 07/12/2010
High Balance: ~~12,000.00~~
Terms: 30/100/110

Pay Status: PAID OR PAYING AS AGREED
Account Type: INSTALLMENT ACCOUNT
Responsibility: PRIMARY BORROWER ON ACCOUNT

Date Opened: 07/20/2004

Loan Type: STUDENT LOAN

Late Payments (35 months)	30	60	90
	0	0	0

Last 35 months

										Date Opened: 07/24/2009									
X	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
jun	may	apr	mar	feb	'10	dec	nov	oct	sep	aug	jul	jun	may	apr	mar	feb	'09	dec	nov
OK	OK	OK	OK	OK	OK	OK	OK	OK	OK										
jun	may	apr	mar	feb	'08	dec	nov	oct	sep										

AMER HONDA/GECCCC/GEMB #08706000000000

PO BOX 981439
EL PASO, TX 79998
(866) 396-8254

Balance: [REDACTED]
Date Updated: [REDACTED]
High Balance: [REDACTED]
Credit Limit: [REDACTED]

Pay Status: PAID OR PAYING AS AGREED
Account Type: REVOLVING ACCOUNT
Responsibility: INDIVIDUAL ACCOUNT
Date Opened: 05/1986
Date Closed: 07/2006
Date Paid: 07/2006

Loan Type: CHARGE ACCOUNT

Remarks: ACCOUNT CLOSED BY CONSUMER

Late Payments (48 months)	0	0	0
---------------------------	---	---	---

Last 48 months

Date Paid: 09/2006																			
OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
may	apr	mar	feb	'10	dec	nov	oct	sep	aug	jul	jun	may	apr	mar	feb	'09	dec	nov	oct
OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
may	apr	mar	feb	'08	dec	nov	oct	sep	aug	jul	jun	may	apr	mar	feb	'07	dec	nov	oct
OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
may	apr	mar	feb	'08	dec	nov	oct	sep	aug	jul	jun	may	apr	mar	feb	'07	dec	nov	oct
OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
may	apr	mar	feb	'08	dec	nov	oct	sep	aug	jul	jun	may	apr	mar	feb	'07	dec	nov	oct
OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK	OK
may	apr	mar	feb	'08	dec	nov	oct	sep	aug	jul	jun	may	apr	mar	feb	'07	dec	nov	oct

AMERICAN GEN FIN #2101182011879711

1928 N DECATUR BLVD
LAS VEGAS, NV 89108-2206
(702) 647-4599

Balance: \$4,178
Date Verified: 06/2010
High Balance: \$4,494
Terms: 24 UNSPECIFIED \$236

Pay Status: PAID OR PAYING AS AGREED
Account Type: INSTALLMENT ACCOUNT
Responsibility: INDIVIDUAL ACCOUNT
Date Opened: 02/2010

Loan Type: SECURED BY HSHLD GDS &&COLLAT

Late Payments (04 months)	0	0	0
---------------------------	---	---	---

Last 4 months

X	OK	OK	OK
may	apr	mar	feb

BAC HOME LOANS SERV LP #2045106

450 AMERICAN ST SV416X
SIMI VALLEY, CA 93065
(800) 669-6607

Balance: [REDACTED]
Date Updated: [REDACTED] 0
High Balance: \$ [REDACTED]
Terms: [REDACTED]

Pay Status: PAID OR PAYING AS AGREED
Account Type: MORTGAGE ACCOUNT
Responsibility: INDIVIDUAL ACCOUNT
Date Opened: [REDACTED]

Loan Type: VA REAL ESTATE MORTGAGE

Remarks: ACCT INFO DISPUTED BY CONSUMR

Late Payments (03 months)	0	0	0
---------------------------	---	---	---

Last 3 months

OK	X	OK
dec	nov	oct

CAPITAL ONE BANK USA NA # [REDACTED]

PO BOX 30281
SALT LAKE CITY, UT 84130
(800) 955-7070

Balance: \$0
Date Updated: 07/2008
High Balance: \$775
Credit Limit: \$775

Pay Status: PAID OR PAYING AS AGREED
Account Type: REVOLVING ACCOUNT
Responsibility: INDIVIDUAL ACCOUNT
Date Opened: 02/2006
Date Closed: 07/2006
Date Paid: 07/2006

Loan Type: CREDIT CARD

Remarks: DISP RESLVD RPRTD BY GRANTOR

Late Payments (29 months)	30	60	90
	0	0	0



Last 29 months

[illegible]



To dispute online go to: <http://transunion.com/disputeonline>



EXHIBIT F



EXHIBIT F



Closed:  



DEROGATORY SUMMARY:

Inquiries:  

Public Records:  

Collections Accounts:  

Current Delinquencies:  

Prior Delinquencies:  

*Self-Pulled Report
Thru Privacy Guard*

Account History

Below is information on any accounts you may have opened in the past. Positive information regarding your accounts remains on your report indefinitely. Generally, a consumer reporting agency will not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.

AMERICAN GENERAL FINAN

	Experian	Equifax	TransUnion
Account Name:	AMERICAN GENERAL FINAN	AMGNL	
Account Number:	210178801187XXXX	210178801187XXXX	
Account Type:	Installment	Installment	
Account Status:	Open	Open	
Monthly Payment:	\$236	\$236	
Date Opened:	02/2010	02/2010	
Balance:	\$4,068	\$4,068	
Terms:	24		
High Balance:	\$4,494	\$4,494	
Limit:	-	-	
Past Due:	-	-	
Payment Status:	Current	Current	
Comments:			

24-Month Payment History

Date:	Aug 08	Sep 08	Oct 08	Nov 08	Dec 08	Jan 09	Feb 09	Mar 09	Apr 09	May 09	Jun 09	Jul 09	Aug 09	Sep 09	Oct 09	Nov 09	Dec 09	Jan 10	Feb 10	Mar 10	Apr 10	May 10	Jun 10	Jul 10	
Experian:																				OK	OK	OK	OK	OK	OK
Equifax:																				OK	OK	OK	OK	OK	OK
TransUnion:																									

	Experian	Equifax	TransUnion
Account Name:		XXXXXXXXXX	
Account Number:		XXXXXXXXXX	
Account Type:		Installment	
Account Status:		Open	
Monthly Payment:		XXXXXX	
Date Opened:		XXXXXX	
Balance:		XXXXXX	
Terms:			

Date Pulled



EXHIBIT G

EXHIBIT G

Current:	1	1	1
Closed:	0	0	0
DEROGATORY SUMMARY:			
Inquiries:	3	3	3
Public Records:	1	1	1
Collections Accounts:	1	1	1
Current Delinquencies:	1	1	1
Prior Delinquencies:	0	0	0

Account History

Below is information on any accounts you may have opened in the past. Accounts that are paid as agreed can remain on your report for up to 10 years from the date of last activity. Typically, a consumer reporting agency will not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.

DEROGATORY

	Experian	Equifax	TransUnion
Account Name:			AMERICAN GENERAL FINANCE
Account Number:			0000000000000000
Account Type:			Installment
Account Status:			Open
Monthly Payment:			0000
Date Opened:			00/00/00
Balance:			0000
Terms:			00
High Balance:			00,000
Limit:			-
Past Due:			0000
Payment Status:			Current
Comments:			Unsecured

24-Month Payment History

Date: Nov 08 Dec 08 Jan 09 Feb 09 Mar 09 Apr 09 May 09 Jun 09 Jul 09 Aug 09 Sep 09 Oct 09 Nov 09 Dec 09 Jan 10 Feb 10 Mar 10 Apr 10 May 10 Jun 10 Jul 10 Aug 10 Sep 10 Oct 10

Experian:
 Equifax:
 TransUnion:

OK OK

AMERICAN GENERAL FINAN

	Experian	Equifax	TransUnion
Account Name:	AMERICAN GENERAL FINAN	AMGNL	AMER GEN FIN
Account Number:	210178801187XXXX	210118201187XXXX	210178801187XXXX
Account Type:	Installment	Installment	Installment
Account Status:	Open	Open	Open
Monthly Payment:	\$236	\$236	\$236
Date Opened:	02/2010	02/2010	02/2010
Balance:	\$4,068	\$4,178	\$4,068

Self-Pulled Report From Privacy Guard 11-15-2010

Terms:	24	24
High Balance:	\$4,494	\$4,494
Limit:	-	-
Past Due:	\$959	\$0
Payment Status:	120 Days Late	Current
Comments:	Account in dispute - reported by subscriber (FCBA) Account information disputed by customer	Secured By Household Goods & Other Collateral Account information disputed by consumer

24-Month Payment History

Date:	Nov 08	Dec 08	Jan 09	Feb 09	Mar 09	Apr 09	May 09	Jun 09	Jul 09	Aug 09	Sep 09	Oct 09	Nov 09	Dec 09	Jan 10	Feb 10	Mar 10	Apr 10	May 10	Jun 10	Jul 10	Aug 10	Sep 10	Oct 10
Experian:																OK	OK	OK	OK	OK	OK	60	90	120
Equifax:																OK	OK	OK	OK					
TransUnion:																OK	OK	OK	ND	OK	OK	60	90	120

~~HISCO BANK~~

	Experian	Equifax	TransUnion
Account Name:	HISCO BANK	HISCO BANK	HISCO BANK
Account Number:	00100150000	3500700410000	5200300000000
Account Type:	Revolving	Revolving	Revolving
Account Status:	Open	Open	Open
Monthly Payment:	\$15	\$15	\$15
Date Opened:	01/20/10	01/20/10	04/20/10
Balance:	\$174	\$174	\$174
Terms:			0
High Balance:	\$100	-	\$100
Limit:	\$500	\$500	\$500
Past Due:	-	-	\$0
Payment Status:	Current	Current	Current
Comments:			Credit Card

24-Month Payment History

Date:	Nov 08	Dec 08	Jan 09	Feb 09	Mar 09	Apr 09	May 09	Jun 09	Jul 09	Aug 09	Sep 09	Oct 09	Nov 09	Dec 09	Jan 10	Feb 10	Mar 10	Apr 10	May 10	Jun 10	Jul 10	Aug 10	Sep 10	Oct 10
Experian:																OK	OK	OK	OK	OK	OK	OK	OK	OK
Equifax:																OK	OK	OK	OK	OK	OK	OK	OK	OK
TransUnion:																OK	OK	OK	OK	OK	OK	OK	OK	OK

~~PREFERRED CREDIT INC~~

	Experian	Equifax	TransUnion
Account Name:	PREFERRED CREDIT INC	PREFERRED CREDIT INC	PREFERRED CREDIT INC
Account Number:	000000	000000	000000
Account Type:	Installment	Installment	Installment
Account Status:	Open	Open	Open
Monthly Payment:	\$50	\$50	\$50
Date Opened:	05/20/00	05/20/00	05/20/00
Balance:	\$4,201	\$4,201	\$4,201

EXHIBIT H

EXHIBIT H

1 Timothy P. Harris, Pro Se'
2 4005 Cherokee Rose Ave.
3 North Las Vegas, NV. 89031
4 702-371-3658
5 extremeps1@cox.net
6

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF NEVADA**

Timothy P. Harris, Pro Se'
Plaintiff

Case No: 2:10-cv-01662-GMN-LRL

V.

Civil Rights Violation Complaint
Trial By Jury Demanded

AMERICAN GENERAL FINANCIAL
SERVICES OF AMERICA, INC.
Defendant

9 **NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT**

10
11 **TO: ALL INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:**

12 **NOTICE IS HEREBY GIVEN** that on Wednesday, November 17, 2010 a copy of this Notice
13 of Motion was sent to the Defendant, American General Services Of America, Inc.'s counsel in
14 an attempt to once again try to come to a resolution in this matter without needing to waste the
15 courts time. The Notice was sent by way of United States Postal Service Certified Mail Return
16 Receipt 7009 3410 0001 0346 3607 which the defense counsel received on Thursday, November
17 18, 2010 and as of 10:00am on Monday November 22, 2010 there has been no reply. May it be
18 noted that this day, Monday, November 22nd, 2010, on or about 11:00am, or as soon thereafter as
19 the matter may be heard of this Court, Plaintiff will move this Court for an order granting
20 summary judgment in favor of the Plaintiff, pursuant to FRCP rule 56, on the grounds that
21 Defendant pulled Plaintiff's credit report during litigation under false pretenses which is a
22 violation of FCRA Act § 619 Obtaining information under false pretenses [15 U.S.C. § 1681q]
23 and supported with the follow case law:

24
25 Rice v. Montgomery Ward & Co., Inc. 450 F. Supp. 688, 670-72 (M.D. N.C. 1978) (Defendant
26 violates FCRA if it obtains a consumer report on Plaintiff after Plaintiff institutes an action
27 against defendant. Such an inquiry is impermissible.);

Bils v. Nixon, Hargrave, Devans & Doyle, 880 P.2d 743 (Ariz. App. 1994) (improper to get report to discover information which might be used in litigation); Duncan v. Handmaker, 149 F.3d 424, 426-28 (6th Cir. 1998) (no legitimate business needs to obtain report to prepare for litigation); Bakker v. Mckinnon, 152 F.3d 1007, 1011-12 (8th Cir. 1998) (same);

Auriemma v. Montgomery, 860 f.2d 273, 279, 280-281 (7th Cir. 1998) (extra-judicial investigation by attorneys improper; no privilege);

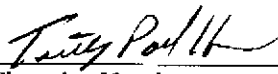
Mone v. Dranow, 945 F.2d 306, 308 (9th Cir. 1991) (obtaining credit report to investigate for purposes of litigation improper);

Boothe v. TRW Credit Data, 557 F. Supp. 66, 70-71 (S.D.N.Y. 1982); Rylewicz v. Beaton Services, Ltd., 698 F. Supp. 1391, 1400 n. 10 (N.D. Ill. 1988), aff'd 888F.2d 1175, 1181 (7th Cir. 1989); Houghton v. N.J. Manufacturer's Ins. Co., 795 F.2d 1144, 1149 (3d Cir. 1986) (obtaining report after litigation for use in litigation improper).

Plaintiff is also entitled to summary judgment as a matter of law.

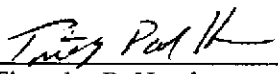
This motion is based on this Notice, the records and papers on file herein, the attached Memorandum of Points and Authorities, the Affidavit of Timothy Harris, the attached Separate Statement of Undisputed Material Facts, and on such other evidence as may be presented at the hearing of this motion.

Respectfully submitted this 22nd day of November, 2010.


Timothy Harris
4005 Cherokee Rose Ave.
North Las Vegas, NV 89031
702-371-3658
extremeps1@cox.net

CERTIFICATE OF SERVICE

I, the Plaintiff, Timothy Harris, does hereby certify that a copy of this Notice and Motion For Summary Judgment was sent to the Defendant American General Financial Services Of America, Inc. through their attorney of record David W. Dachelet, Esq., Nevada Bar No. 6615, 300 South Fourth Street, Suite 1400, Las Vegas, Nevada 89101 for the purpose of satisfying the requirement for Notice and Service and was sent via the United States Postal Service pursuant to Federal Rules of Civil Procedure 4 (c) (2) (c) (i). This will also be available to any and all PACER ECF participants and will serve as Notice and Service.



Timothy P. Harris
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